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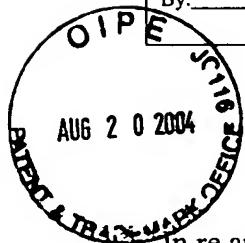
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On 8/20/04

TOWNSEND and TOWNSEND and CREW LLP

By:   
Tiffany Wu

*J PW*  
PATENT  
Attorney Docket No.: 018468-000650US



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JAMES JOYE et al.

Application No.: 10/785,503

Filed: February 23, 2004

For: CRYOSURGICAL FLUID SUPPLY

Examiner: Unassigned

Art Unit: 3739

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR  
§§1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08B are being called to the attention of the Examiner. In accordance with 37 CFR §1.98(d), copies of the references can be found in U.S. Patent Application Nos. 09/619,583 or 09/268,205, filed July 19, 2000 and March 15, 1999 (Atty. Docket Nos. 018468-000610US and 018468-000600US), respectively. All non-U.S. Patent references are enclosed within.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

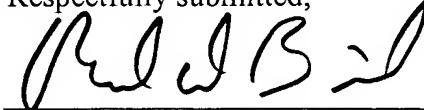
As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



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Mark D. Barrish  
Reg. No. 36,443

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MDB/mtd:nap  
60251815 v1



## TRANSMITTAL FORM

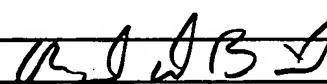
(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission		Attorney Docket Number	018468-000650US
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### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard PTO/SB/08A & PTO/SB/08B 13 reference copies
Remarks      The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Townsend and Townsend and Crew LLP Mark D. Barrish		
Signature	 Reg. No. 36,443		
Date	August 18, 2004		

### CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name	Tiffany Wu		
Signature		Date	August 18, 2004



Substitute for form 1449B/PTO				<i>Complete if Known</i>	
				Application Number	10/785,503
				Filing Date	February 23, 2004
				First Named Inventor	Joye, James
				Art Unit	3739
				Examiner Name	
Sheet	3	of 3		Attorney Docket Number	018468-000650US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-3,125,096	03/17/1964	Antiles et al.	
	AB	US-3,630,203	12/28/1971	Sellinger et al.	
	AC	US-3,901,241	08/26/75	Allen, Jr.	
	AD	US-4,336,691	06/29/82	Burstein et al.	
	AE	US-4,754,752	07/05/88	Ginsburg et al.	
	AF	US-4,946,460	08/1990	Merry et al.	
	AG	US-5,019,075	05/28/91	Spears et al.	
	AH	US-5,041,089	08/20/91	Mueller et al.	
	AI	US-5,078,713	01/07/92	Varney	
	AJ	US-5,092,841	03/03/92	Spears	
	AK	US-5,106,360	04/21/92	Ishiwara et al.	
	AL	US-5,117,870	06/1992	Goodale et al.	
	AM	US-5,147,355	09/15/92	Friedman et al.	
	AN	US-5,151,100	09/29/92	Abele et al.	
	AO	US-5,190,539	03/02/93	Fletcher et al.	
	AP	US-5,191,883	03/09/93	Lennox et al.	
	AQ	US-5,196,024	03/23/93	Barath	
	AR	US-5,275,595	01/04/94	Dobak, III	
	AS	US-5,342,301	08/1994	Saab	
	AT	US-5,383,853	08/13/1996	Lennox et al.	
	AU	US-5,458,612	10/17/95	Chin	
	AV	US-5,486,208	01/1996	Ginsburg	
	AW	US-5,501,681	03/1996	Neuwirth et al.	
	AX	US-5,545,195	08/13/96	Lennox et al.	
	AY	US-5,617,739	04/08/97	Little	
	AZ	US-5,644,502	07/01/97	Little	
	BA	US-5,667,521	09/16/1997	Keown	
	BB	US-5,733,280	03/31/98	Avitall	
	BC	US-5,814,040	09/1998	Nelson et al.	
	BD	US-5,820,626	10/1998	Baumgardner	
	BE	US-5,846,235	12/1998	Pasricha et al.	
	BF	US-5,868,735	02/1999	Lafontaine	
	BG	US-5,899,898	05/1999	Arless et al.	
	BH	US-5,899,899	05/1999	Arless et al.	
	BI	US-5,902,299	05/1999	Jayaraman et al.	
	BJ	US-5,971,979	10/1999	Joye et al.	
	BK	US-6,027,499	02/2000	Johnston et al.	

Examiner Signature	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449B/PTO				<i>Complete if Known</i>	
				Application Number	10/785,503
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<b>U.S. PATENT DOCUMENTS+</b>						
Examiner Initials*	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
BL	US-6,241,718 B1			06/2001	Arless et al.	
BM	US-6,290,696 B1			09/2001	Lafontaine	
BN	US-6,355,029			08-05-2003	Joyce et al.	
BO	US-6,379,378			04/2002	Werneth et al.	
BP	US-6,432,102			08-13-20002	Joyce et al.	
BQ	US 6,517,533			02/2003	Swaminathan	
BR	US 6,575,933			06/2003	Wittenberger et al.	
BS	US 6,652,565			11/2003	Shimada et al.	

<b>FOREIGN PATENT DOCUMENTS</b>								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
BT	PCT	WO 91/05528		A1	05/1991	Van Liebergen		<input type="checkbox"/>
BU	PCT	WO 98/37822		A1	09/1998	Arless et al.		<input type="checkbox"/>
BV	PCT	WO 98/38934		A1	09/1998	Lafontaine		<input type="checkbox"/>
BW	PCT	WO 98/52479		A1	09/1998	Johnston		<input type="checkbox"/>
BX	PCT	WO 00/42931		A1	07/2000	Abboud et al.		<input type="checkbox"/>
BY	PCT	WO 01/64145		A1	09/2001	Dobak et al.		<input type="checkbox"/>
BZ	PCT	WO 02/38091		A1	05/2002	Daoud		<input type="checkbox"/>

<b>NON PATENT LITERATURE DOCUMENTS</b>						
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				T <sup>2</sup>
	CA	CMS Website Information "Cryomedical Science Introduces Cryolite®". Downloaded from Internet << <a href="http://www.cryomedical.com/R&amp;D/cryolite.htm">http://www.cryomedical.com/R&amp;D/cryolite.htm</a> >> (11/22/1998) 3 pages total.				
	CB	CMS Website Information "Cell Suicide Following Cryosurgery". Downloaded from Internet << <a href="http://www.cryomedical.com/R&amp;D/apoptosi.htm">http://www.cryomedical.com/R&amp;D/apoptosi.htm</a> >> (03/08/1999) 3 pages total.				
	CC	Meinhard Nebulizer, "The Meinhard® Concentric Glass Nebulizer," Downloaded from Internet << <a href="http://web.archive.org/web/19990221174248/www.meinhard.com/product3.htm">http://web.archive.org/web/19990221174248/www.meinhard.com/product3.htm</a> >> (08/10/2004) 6 pages total.				
	CD	U.S. Patent Application No. 09/344,177 filed on June 24, 1999 entitled: <i>Cryosurgical Catheter Inhibition of Hyperplasia</i> , Inventor(s): JAMES JOYE et al. (Atty. Docket No. 18468-000120US)				
	CE	U.S. Provisional Patent Application No. 60/121,638 filed on February 24, 1999 entitled: <i>Cryogenic Angioplasty Catheter</i> , Inventor(s): JAMES JOYE et al. (Atty. Docket No. 18468-000400US)				

Examiner Signature	Date Considered
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				Application Number	10/785,503
				Filing Date	February 23, 2004
				First Named Inventor	Joye, James
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Sheet	3	of 3		Attorney Docket Number	018468-000650US

<b>FOREIGN PATENT DOCUMENTS</b>						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup>	Number <sup>4</sup>			
	CF	U.S. Provisional Patent Application No. 60/121,637 filed on February 24, 1999 entitled: <i>Cryogenic Angioplasty Catheter</i> , Inventor(s): JAMES JOYE et al. (Atty. Docket No. 18468-000500US)				

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